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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,274	02/05/2001	Jean Paul Marcade	ENDOV-54735	3685
24201 7590 02/02/2007 FULWIDER PATTON LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE, TENTH FLOOR LOS ANGELES, CA 90045			EXAMINER WILLSE, DAVID H	
			ART UNIT 3738	PAPER NUMBER
			MAIL DATE 02/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/777,274

EXAMINER

ART UNIT	PAPER
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20070122

DATE MAILED:

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Commissioner for Patents


Dave Willse
Primary Examiner
Art Unit: 3738

The present Office action serves to clarify an issue raised by the Board of Patent Appeals and Interferences on December 27, 2006. The Appellant was never mailed any separate letter indicating that the Terminal Disclaimer of June 6, 2002, had been accepted. The corresponding record in the Patent Application and Monitoring System (PALM) has been corrected.

The non-statutory double patenting rejections in the Office action mailed on February 27, 2002, were not maintained in the final Office action mailed on August 14, 2002, which should have explicitly stated that the Terminal Disclaimer filed on June 6, 2002, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. patent numbers 5,676,696 and 5,993,481 and any patent granted on U.S. application serial number 09/642,626 has been reviewed, is accepted, and has been recorded.

As noted previously, the reply brief filed July 24, 2006, has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal. The Appellant is not required to respond to this communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse whose telephone number is 571-272-4762 and who is generally available Monday through Thursday and often on Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Dave Willse
Primary Examiner
Art Unit 3738